

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. __09-338__
v.	:	DATE FILED: __May 19, 2009__
KENDALL JAMAL MCGILL	:	VIOLATIONS:
RICHARD RIVERA JR.	:	18 U.S.C. § 1951(a) (conspiracy to
	:	interfere with interstate commerce by
	:	robbery - 1 count)
	:	18 U.S.C. § 1951(a) (attempted
	:	interference with interstate commerce by
	:	robbery - 1 count)
	:	18 U.S.C. § 924(c)(1) (carrying a firearm
	:	during and in relation to a crime
	:	of violence - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, Denim Blue, located at 6910 Torresdale Avenue in Philadelphia, Pennsylvania (“Denim Blue”), was engaged in the retail sale of urban clothing and sportswear in interstate commerce and was an enterprise which affected interstate commerce.

2. On or about October 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**KENDALL JAMAL McGILL and
RICHARD RIVERA JR.**

conspired and agreed, to unlawfully obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, by robbery, that is, to unlawfully take property,

specifically, cash, from the person and presence of an employee of Denim Blue, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

It was part of this conspiracy that:

3. Defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR. planned and executed the robbery of Denim Blue to obtain cash.

4. In the commission of the robbery of Denim Blue, defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR.:

- a. armed themselves with firearms;
- b. drove together to an area near Denim Blue;
- c. entered Denim Blue brandishing firearms, and then threatened to injure and kill an employee to obtain money; and
- d. when the employee fled the victim business, shot the employee in the leg and discharged firearms into the ground.

OVERT ACTS

_____ In furtherance of the conspiracy and to effect the objects of the conspiracy, defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR., committed the following overt acts, among others, in the Eastern District of Pennsylvania on or about October 9, 2008:

1. Defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR. drove a 1997 white Chevrolet Monte Carlo, PA tag number GRL0013, and parked it near the intersection of Disston Street and Torresdale Avenue in Philadelphia, Pennsylvania, which was approximately one block away from Denim Blue.

2. Defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR. entered Denim Blue, brandished firearms and threatened the store employee, and demanded money from the employee.

3. When the Denim Blue employee fled the store, defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR. discharged their firearms and shot the store employee in the leg.

4. After fleeing from Denim Blue, defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR. tossed their guns under a parked gray Hyundai car on Marsden Street and returned to the white Monte Carlo.

5. Defendants KENDALL JAMAL McGILL and RICHARD RIVERA JR. then fled in the white Monte Carlo, abandoned the white Monte Carlo, and then fled on foot.

6. To evade detection by law enforcement, defendants KENDALL JAMAL MCGILL and RICHARD RIVERA JR. falsely told responding police officers that the robbers “went that way” and pointed in the opposite direction from which defendants MCGILL and RIVERA were walking.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about October 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**KENDALL JAMAL MCGILL and
RICHARD RIVERA JR.**

attempted to obstruct, delay and affect, commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants unlawfully attempted to take and obtain, and aided and abetted the taking and obtaining of, personal property, that is money, belonging to the Denim Blue Store, 6910 Torresdale Avenue, Philadelphia, Pennsylvania, from the custody and possession of a Denim Blue employee, against his will, by means of actual and threatened force, violence, and fear of immediate and future injury to the employee, that is, by brandishing firearms, threatening the employee, demanding money, and, when the employee fled, shooting him.

In violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 9, 2008, in Philadelphia, in the Eastern District of
Pennsylvania, Pennsylvania, defendants

**KENDALL JAMAL MCGILL and
RICHARD RIVERA JR.**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a black Bryco 9mm semi-automatic firearm, with an obliterated serial number restored as 779771, loaded with ten rounds of ammunition, and one black Bersa Thunder 380 caliber firearm, serial number 431470, loaded with five rounds of ammunition, during and in relation to a crime of violence for which each of the defendants may be prosecuted in a court of the United States, that is, conspiracy to interfere with interstate commerce by robbery and attempted interference with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 924(c), set forth in this indictment, defendants

**KENDALL JAMAL MCGILL and
RICHARD RIVERA JR.**

shall forfeit to the United States of America, the firearms and ammunition involved in the commission of this offense, including, but not limited to:

- (1) black Bryco 9mm semi-automatic firearm, with an obliterated serial number restored as 779771;
- (2) the ten rounds of ammunition removed from the firearm described in Paragraph (1) above;
- (3) one black Bersa Thunder 380 caliber firearm, serial number 431470;
- (4) the five rounds of ammunition removed from the firearm described in Paragraph (3) above; and
- (5) two fired .9mm shell casings, and 2 fired .380 shell casings.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

LAURIE MAGID
United States Attorney